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Sentencing, Criminal Law & Procedure

US v. Rivera-Gonzalez, No. 13-1620

Judgment imposing an 84-month sentence on defendant for possession of firearms in furtherance of a drug-trafficking offense is affirmed, where: 1) while a sentencing court may abuse its discretion by focusing too much on the community and too little on the individual, here, there is no compelling indication that the gave undue weight to community considerations; and 2) the challenged sentence is substantively reasonable and sufficient, but not greater than necessary, to further the legitimate goals of sentencing.

Civil Rights, Labor & Employment Law

Ocasio-Hernandez v. Fortuno-Burset, No. 13-1336

In this employment action, plaintiff-workers were fired a few months after a newly elected governor took over the Puerto Rico executive mansion. Plaintiffs allege that they were terminated solely because they affiliated with rival political parties, which amounts to political discrimination prohibited by the First Amendment. Summary judgment disposal of plaintiffs' political discrimination claim is affirmed, where: 1) there is no evidence that defendants had knowledge of plaintiffs' particular political affiliations; and 2) plaintiffs do not offer any generalized statistical evidence showing how many employees affiliated with the governor's party were retained after the layoffs as compared to non-party employees, whether terminated plaintiffs were replaced by party-affiliated employees, or other relevant statistical evidence.

Civil Procedure, Immigration Law

Wan v. Holder, No. 13-1893

Petition for review of an order of the Board of Immigration Appeals affirming a decision of an immigration judge (IJ) refusing to reopen removal proceedings after petitioner was ordered removed in absentia is denied, where: 1) petitioner received notice of the original removal hearing, but boycotted that hearing; 2) the IJ's decision to schedule a second hearing did not excuse the petitioner's earlier absence, for which the IJ could have properly entered an in absentia removal order pursuant to 8 U.S.C. section 1229a(b)(5)(A); 3) the error in the mailing address used by the immigration court was petitioner's own fault, as it was he who furnished the inaccurate zip code and who failed to correct that address when it was listed on the notice to appear, despite repeated warnings; and 4) thus, petitioner was not entitled to an exception to the filing deadline due to lack of notice.